



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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### **STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO Southern Finishing Company, Inc.**

#### **SECTION A: Purpose**

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board and Southern Finishing Company, Inc., for the purpose of resolving certain violations of State Air Pollution Control Laws and regulations.

#### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code § 10.1-1301 and 10.1-1184
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Southern Finishing Company, Inc." means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the structure at 801 East Church Street located in Martinsville, Virginia.

8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "O&M" means operations and maintenance.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Southern Finishing Company, Inc. owns and operates a facility on 801 East Church Street in Martinsville, Virginia. The source purchased the facility in February 2002. This facility is the subject of Title V Operating Permit dated December 17, 1999, which allows the operation of a wood furniture manufacturing facility. The Title V operating permit was transferred to the new owners at the date of purchase. In addition to the 12/17/99 Title V permit, the source is subject to 40 CFR 63 Subpart JJ, 40 CFR 60 Subpart EE, and Virginia State Air Pollution Control Law. The source also has a 4/29/02 Stationary Source permit to install 8 additional spray booths for wood furniture coating. These 8 spray booths have not yet been installed.
2. Since the facility opened in February 2002, DEQ has noted numerous apparent violations of the Air Pollution Control Law and Regulations. Staff conducted a partial compliance evaluation of the facility on March 25, 2003 and noted several violations of federal and state air regulations. These problems, noted in a Notice of Violation issued by DEQ on April 14, 2003 are listed below.
  - A. Staff observed the operation of a metal furniture coating line which consisted of 3 spray booths equipped with filters to control particulate matter. After a review of 9 VAC 5-80-1120A and discussions with the Air Permitting staff, it has been determined that the source failed to submit an application for the addition of a metal furniture coating line. The metal coating booths have been in operation since November 2002 and have estimated annual emissions of 12.7 tons per year of VOCs. Staff observed the presence of dry filters in metal coating booths for controlling particulate matter emissions. Staff observed several large holes in the filter media and after a review of 9 VAC 5-50-20E staff determined that these filters were no longer effective as control equipment.
  - B. Staff reviewed metal coating throughput records and determined that the source is subject to 40 CFR Chapter 60 Subpart EE, Standards of Performance for surface coating of metal furniture. The source has failed to conduct an initial performance test and monthly performance tests using the methods identified in 40 CFR 60.313.
  - C. Staff conducted an inspection of the wood furniture finishing operation and all applicable requirements of 40 CFR Chapter 63 Subpart JJ (Subpart JJ). There were several deficiencies noted by staff and are as follows:

- Staff observed the use of conventional guns in five of nine operational spray booths. When this was discovered, the source failed to provide records to demonstrate that cumulative total usage of finishing materials through conventional guns is no more than 5% of the total gallons of finishing material during each semiannual period. Staff requested to test the pressure at the point of atomization of the installed HVLP guns. The source does not maintain the appropriate test cap kits to conduct these tests on HVLP spray guns and is not maintaining logs to demonstrate that these spray guns are operating at the allowed pressures. These records are requirements of Subpart JJ. The source is also in violation of Work Practice Standards specified in Subpart JJ and not in accordance with the source's Work Practice Implementation Plan.
- Staff requested the following required by Subpart JJ: records associated with the operator training program; records associated with the written leak inspection and maintenance plan, and the Formulation Assessment Plan. The source was unable to provide the required records. The source has not conducted operator training or inspections and maintenance at the frequency specified in Subpart JJ.
- Staff observed several open containers of finishing materials throughout the wood furniture finishing operation. Work Practice Standards in Subpart JJ specify that normally closed containers for storing finishing, gluing, cleaning, and washoff materials shall be used by the affected source. Staff has determined that this is a violation Work Practice Standards and not in accordance with the source's Work Practice Implementation Plan.
- Staff conducted a file review for semi-annual continuous compliance reports required by Subpart JJ. The source has not submitted semi-annual continuous compliance reports for the periods of February 2002 through May 2002 and June 2002 through November 2002. These reports were due to DEQ on June 30, 2002 and December 30, 2002 respectively.

D. Staff conducted an inspection of the facility to determine source compliance with the requirements of the 12/17/99 Title V Operating permit. There were several deficiencies noted by staff and are as follows:

- Staff reviewed fuel burning monitoring records in accordance with Condition 6 of the permit. The source failed to document corrective action taken for visible emissions observed or perform a VEE per 40 CFR 60, Appendix A, Method 9. There are no staff onsite who are certified to conduct a VEE per Reference Method 9.
- Staff reviewed Boiler & Multicyclone Operation & Maintenance requirements. The source has failed to: a) develop a maintenance schedule and maintain records associated with all maintenance for the

multicyclones; b) develop an inspection schedule and conduct inspections for the multicyclones; c) develop operating procedures for the multicyclones; and d) train operators in the proper operation of the boilers and multicyclones and maintain appropriate documentation of the training.

- Staff requested records of fuel combustion throughput and fuel certifications for #2 fuel oil burned in the two Bigelow boilers. The source was unable to provide records of fuel combustion throughput and is not obtaining fuel certifications stating sulfur content for each shipment of #2 fuel oil received.
  - Staff requested records of woodworking monitoring. The source has not been conducting weekly observations for the presence of visible emissions from fabric filters or monthly fabric filter inspections and therefore is also not maintaining the required documentation.
  - Staff requested furniture finishing monitoring records. The source has failed to: a) develop a maintenance schedule and maintain records of all maintenance; b) develop and maintain written operating procedures for spray booths; c) conduct and maintain records of spray booth operator training; d) conduct weekly observations of the presence of visible emissions from spray booth stacks and maintain the required documentation.
  - Staff conducted a file review for semiannual monitoring reports. The source failed to submit periodic monitoring reports required by Title V for the periods of February 2002 through May 2002 and June 2002 through November 2002. These reports were due to DEQ on June 30 and December 30, 2002 respectively.
3. Southern Finishing Company, Inc. is working with DEQ air permitting staff to obtain a permit for the three metal coating booths. An air permit application was received by DEQ on April 14, 2003.

#### **SECTION D: Agreement and Order**

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307.D, 10.1-1184 and §10.1-1316.C, orders Southern Finishing Company, Inc., and Southern Finishing Company, Inc. agrees, to perform the actions described in Appendix A of this Order.

1. In addition, the Board orders Southern Finishing Company, Inc., and Southern Finishing Company, Inc. voluntarily agrees, to pay a civil charge of **\$44,738.67** within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 10150  
Richmond, Virginia 23240

2. Southern Finishing Company, Inc. shall implement the Supplemental Environmental Project (SEP) as identified in Appendix A of this order within 18 months of the effective date of the Order. The cost to Southern Finishing Company, Inc. shall be a minimum of **\$8,461.33**. Upon completion of the SEP pursuant to Virginia Code 10.1-1186.2 and as described in Appendix B, Southern Finishing Company, Inc. shall within 30 days, provide a completion report including actual SEP costs to DEQ.
3. In the event that the SEP is not performed as described in Appendix B, upon notification by the Department, Southern Finishing Company, Inc. shall pay the amount specified in Paragraph 2 above, as appropriate, within 30 days of such notification.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Southern Finishing Company, Inc., for good cause shown by Southern Finishing Company, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Southern Finishing Company, Inc. by DEQ on April 14, 2003. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Southern Finishing Company, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Southern Finishing Company, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Southern Finishing Company, Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other

administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by Southern Finishing Company, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Southern Finishing Company, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Southern Finishing Company, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Southern Finishing Company, Inc. shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Southern Finishing Company, Inc.. Notwithstanding the foregoing,

Southern Finishing Company, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Southern Finishing Company, Inc.. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Southern Finishing Company, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Southern Finishing Company, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 10-17, 2003.

Steven A. Outwell for  
Robert G. Burnley, Director  
Department of Environmental Quality

Southern Finishing Company, Inc. voluntarily agrees to the issuance of this Order.

By: [Signature]  
Date: 10/13/03

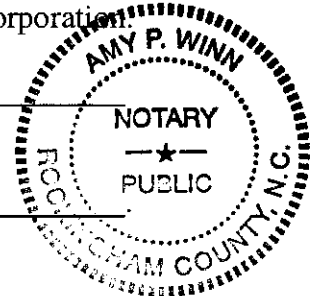
~~Commonwealth of Virginia~~ North Carolina  
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 13<sup>th</sup> day of Oct, 2003, by [Signature], who is (name)

PRES. of Southern Finishing Company, Inc., on behalf of the Corporation.  
(title)

Amy P. Winn  
Notary Public

My commission expires: 2-16-08



## APPENDIX A

Southern Finishing Company, Inc. shall:

1. Within **30 days** of the effective date of the Order, develop an Operations and Maintenance plan for the finishing area, boilers, multicyclones, and baghouses. The source shall submit to DEQ within 30 days of the effective date of the Order, the Operations & Maintenance plans.
2. Within **30 days** of the effective date of the Order, submit to DEQ accurate, up to date documentation demonstrating compliance with 40 CFR 60 Subpart EE.
3. Within **30 days** of the effective date of the Order, submit to DEQ a revised Work Practice Implementation Plan (required by 40 CFR 63 Subpart JJ).
4. Within **30 days** of the effective date of the Order, submit to DEQ & EPA Title V Semi-annual deviation reports and Title V Annual Certification reports.
5. Within **6 months** from the effective date of the Order, submit to the DEQ documentation stating that a certified Visual Emission Evaluator is on staff and is maintained on staff for the duration of the equipment usage to meet the requirements for EPA Method 9.



## APPENDIX B

In order to settle the SEP, Southern Finishing Company, Inc. shall:

- A. Within **6 months** from the effective date of the order, submit to the DEQ accurate, up to date documentation demonstrating that the following project has been completed:

Installation of a spray booth filters in 12 finishing spray booths.

B. SEP Completion Report

Southern Finishing Company, Inc. Corporation shall submit a SEP Completion Report to the Department within **30 days** of the completion of the SEP. The SEP Completion Report shall contain the following information:

1. A detailed description of the SEP as implemented;
  2. A description of any operating problems encountered and the solutions thereto;
  3. Itemized costs, documented by copies of purchase orders and receipts or canceled checks ;
  4. Certification that the SEP has been fully implemented pursuant to the provisions of this Consent Order; and,
  5. A description of the environmental and public health benefits resulting from implementation of the SEP (with a quantification of the benefits and pollutant reductions, if feasible).
- C. Southern Finishing Company, Inc. Corporation shall submit all notices and reports required by this Consent Order to Steve A. Dietrich, Department of Environmental Quality, 3019 Peters Creek Road, Roanoke, VA 24019 by first class mail.
- D. Southern Finishing Company, Inc. Corporation shall maintain legible copies of documentation of the underlying research and data for any and all documents or reports submitted to the Department pursuant to this Consent Order, and shall provide the documentation of any such underlying research and data to the Department within seven days of a request for such information.
- E. In all documents or reports, including, without limitation, the SEP Completion Report, submitted to DEQ pursuant to this Consent Order, Southern Finishing Company, Inc. Corporation, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

"I certify under penalty of law and I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."